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JPMorgan Chase Bank, N.A., for itself and as
successor by merger to Chase Home Finance LLC,
MERSCORP, Inc., Mortgage Electronic
Registration Systems, Inc., and Christine Reiter

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SUSAN K. EWING,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A., a New
York corporation; CHASE HOME FINANCE,
LLC, an entity of unknown origin;
MERSCORP, INC., a Virginia corporation;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., a
subsidiary of MERSCORP, Inc., a Delaware
corporation; CAL-WESTERN
RECONVEYANCE CORPORATION, a
California Corporation; CHRISTINE REITER,
an individual; DOES I – X, and ROE
CORPORATIONS XI – XX, inclusive, and all
other persons unknown claiming any right, title,
estate, lien, or interest in the real property
described in the Complaint,

Defendants.

) CASE NO. 2:11-cv-00905-GMN-CWH

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) **JOINT MOTION FOR LEAVE TO FILE**
) **AMENDED PROPOSED DISCOVERY**
) **PLAN AND SCHEDULING ORDER, OR,**
) **IN THE ALTERNATIVE, FOR**
) **EXTENSION OF DISCOVERY AND**
) **RELATED DEADLINES**

) **(First Request)**

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Defendants JPMorgan Chase Bank, N.A., for itself and as successor by merger to Chase Home Finance LLC ("Chase"), MERSCORP, Inc. ("MERSCORP"), Mortgage Electronic Registration Systems, Inc. ("MERS"), Christine Reiter ("Ms. Reiter"), and Cal-Western Reconveyance Corporation ("Cal-Western") (collectively, "Defendants"), and Plaintiff Susan K. Ewing, by and through their respective counsel, hereby respectfully request that the parties herein be afforded an opportunity to submit an amended proposed discovery plan and scheduling order in this matter, as the Court has not yet ruled on the proposed discovery plan initially submitted by the parties on or about August 15, 2011. (*See* Docket No. 17.) In the alternative, to the extent the Court may deem the dates set forth in the initial proposed discovery plan to be operative here, Defendants respectfully request that those dates be extended as set forth herein.

This motion is made pursuant to LR 26-1 and 26-4, and is based upon the following Memorandum of Points and Authorities, the pleadings on file, and any argument the Court may entertain.

MEMORANDUM OF POINTS AND AUTHORITIES

I. ARGUMENT

The parties herein submitted a Proposed Discovery Plan and Scheduling Order (the "First Plan") on August 15, 2011. (*See* Docket No. 17.) Therein, the parties requested special scheduling review based on their request to extend discovery beyond the standard 180-day period from the first defendant's appearance. (*Id.*) To date, the Court has neither confirmed nor denied the First Plan, and the parties have informally stayed discovery pending a decision on the same. Defendants now respectfully request that they be permitted to submit an Amended Proposed Discovery Plan and Scheduling Order (the "Amended Plan") so that the parties herein can proceed with discovery with some guidance as to their deadlines to do so. A proposed

Amended Plan is attached hereto as Exhibit A for the Court's consideration.

In the alternative, to the extent the Court may deem the deadlines set forth in the First Plan to be operative (despite the fact that they have not been confirmed by the Court), Defendants respectfully request that the deadlines therein be extended and enlarged for a period of approximately one hundred twenty (120) days, as more fully set forth in the proposed schedule set forth below.

A. Statement of Completed Discovery

The parties have not completed any discovery, as they have informally stayed the same pending a decision on the First Plan.

B. Remaining Discovery

The following discovery remains to be completed:

1. Written discovery by all parties;
2. Deposition of Plaintiff;
3. Possible depositions of employees/agents of Defendants;
4. Depositions of other fact witnesses and others as may be necessary;
5. Depositions of Plaintiff's designated expert witnesses, if any; and
6. Depositions of Defendants' designated expert witnesses, if any.

C. Reasons for Not Completing Discovery

The parties have informally stayed discovery pending a decision on the First Plan, as they anticipated the Court might set a hearing on the same, particularly since special scheduling review was requested. Unfortunately, no decision has been rendered on the First Plan, and the parties reasonably believe that discovery cannot be completed and other deadlines cannot be satisfied as proposed in the First Plan.

D. Proposed Discovery Schedule

The parties reasonably believe that discovery can be completed by extending the discovery deadline and other deadlines proposed in the First Plan by approximately one hundred twenty (120) days, or as otherwise set forth below, in accordance with the following proposed schedule:

- A. Discovery shall be completed on or before **July 9, 2012**.
- B. Motions to amend or to add parties shall be filed and served on or before **April 10, 2012**.
- C. Expert disclosures in compliance with Fed. R. Civ. P. 26(a)(2)(C) shall be made on or before **May 10, 2012**.
- D. Disclosures regarding rebuttal experts shall be made no later than **June 11, 2012** (*i.e.*, within thirty (30) days following the initial disclosure of experts).
- E. An interim status report shall be filed by the parties no later than **May 10, 2012**.
- F. All dispositive motions shall be filed and served no later than **August 8, 2012**.
- G. Motions in limine may be filed at any time up to 30 days prior to trial.
- H. The joint pretrial order shall be filed by the parties no later than **September 7, 2012**. In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended to a date which is 30 days after the decision on the dispositive motions or until further order of the Court.


I. Requests to extend any date set by the discovery plan, scheduling order, or other order, shall be made subject to and in accordance with the requirements of LR 26-4.

II. CONCLUSION

Based on the foregoing, Defendants respectfully request that they be permitted to submit an amended proposed discovery plan and scheduling order or, in the alternative, that the dates set forth in the parties initial proposed discovery plan and scheduling order be extended as set forth herein.

DATED this 12 day of January, 2012.

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Finance LLC, MERSCORP, Inc., Mortgage
Electronic Registration Systems, Inc., and
Christine Reiter

DATED this 12 day of January, 2012.

PITE DUNCAN, LLP

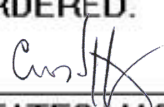
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DATED this 12 day of January, 2012.

LAW OFFICES OF CRAIG B. FRIEDBERG,
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Attorney for Plaintiff

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE
DATED: January 17, 2012

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